REMARKS

The pending claims stand rejected under 35 USC § 103(a) as b ing unpatentable over U.S. Patent No. 5,549,717 to Takeuchi et al. ("Takeuchi") in view of U.S. Patent No. 5,439,760 to Howard et al. ("Howard"). The rejections are respectfully traversed.

In the June 24, 2003 final Office Action, the Examiner rejects Applicants arguments filed April 11, 2003 that Howard supports the claimed limitation of the anode current collector being shorter in length than the alkali strip metal. In particular, the Examiner states that the disclosure of Howard does not compel a conclusion that the alkali metal 15 must be longer than the current collector and that the Howard disclosure is not germane to the length of the current collector and metal strips. Applicant respectfully disagrees.

As described at column 4, line 59 to column 5, line 6 of Howard, Howard teaches an anode assembly 1 that includes a current collector 5 having a first layer of alkali metal 10 on one side and a second layer of alkali metal 15 on the other side. The anode assembly has at one end 18 only alkali metal layer 15 on one side of the current collect 5, with a bare portion of current collector 5 exposed on the side that includes the first layer of alkali metal 10. Therefore, while the alkali metal strip formed by the first layer of alkali metal 10 is shorter than the current collector 5 so that there is a bare portion of the current collector on one side, the second layer of alkali metal 15 is disclosed as being longer than the current collector 5. As described at column 6, lines 46-65, the disclosure of Howard is germane to the length of the current collector and metal strips, stating that during the winding process the anode assembly 1 is placed against cathode assembly 50 such that the alkali metal layer 15 is against the cathode material layer 60 at the end of the anode assembly to ensure that the outer winding of the electrode assembly has an alkali metal layer 15 facing the cathode material and the bare current collector 5 at the end 18 will face outward. Finally, alkali metal layer 15 is shown in FIG. 1 as being longer than current collector 5 at end 18,

and, in ord r to ensure that alkali metal layer faces the cathode material throughout the winding process, must not be shorter than the current collector 5 at the obscured end.

Since Howard expressly teaches a desire to have alkali metal layer 15 against the cathode material throughout the winding, Howard expressly teaches that the alkali metal layer 15 is longer than the current collector 5.

Therefore, it is respectfully asserted that Howard does teach the anode current collector being shorter than the alkali metal layer, the Examiner's assertion that the instant claims are not entitled to the filing date of Howard is in error, and therefore reliance on the parent Howard patent for teaching the claimed invention is erroneous. In addition, since the instant claims are entitled to the filing date of the Howard patent, Takeuchi is not applicable because it is predated by Howard. Accordingly, there are no teachings of the present invention in the prior art and it is therefore respectfully requested that the rejections be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Date: August 19, 2003

Michael C. Soldner
Reg. No. 41,455
(763) 514-4842
No. 27581